GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Director of Works Accounts Department – Sri B. Susantha Rao, Divisional Accounts Officer, (Retd) (W) O/o. Executive Engineer, Panchayat Raj Division, Tenali, Guntur District – Acquitted from the ACB case by the Hon'ble High Court-SLP in Hon'ble Apex Court dismissed – Release of Pensionary benefits – Orders – Issued.

FINANCE (ADMN.I) DEPARTMENT

G.O.Rt.No.2766 **Dated:09.11.2015**

Read the following:-

1 G.O.Rt.No.1334, PR&RD Department, dated 10.10.1997.
2 G.O.Ms.No.176, Fin&Plg (FW.WA-I) Department, dt.05.08.1998
3 C.C.No.11 of 1998 of Special Judge for SPE & ACB cases, Vijayawada, Judgment dt.19.07.2005.
4 G.O.Rt.No.2306, Finance (WA-II) Department, dt.24.06.2006 dt.24.06.2006.
5 W.P.Judgment of Hon'ble High Court in Criminal Appeal No.1200 of 2005, dt.13.06.2012.
6 Finance (WA-II) Department Lr.No.32271-B/682/WA-II/2012, dt.31.12.2012.
7 Director of Works Accounts, A.P. Hyderabad Lr.No.DWA/Hyd/Sn -I/EC-I/2015-16/278,dt.03.09.2015.

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In the reference 1st read above, Sri B. Susantha Rao, while he was working as Divisional Accounts Officer (W)in the Office of the Executive Engineer, Panchayat Raj Division, Tenali, Guntur District was kept under suspension as he was trapped on 07-07-1997, by the Anti-Corruption Bureau Officials. Later he was reinstated into service in Govt.Memo.No.17183/121/WA-I/1998, dt:24.07.2000, with immediate effect without prejudice to disciplinary action pending against him.

2. In the reference 2nd read above, Government have accorded permission for prosecution of Sri B. Susantha Rao Divisional Accounts Officer (Retd) (W) for the said offences punishable under Section 7 and 13 (2) read with clause (d) of sub-section (1) of Section 13 of the prevention of corruption Act 1988. Accordingly the Anti-Corruption Bureau, authorities filed charge sheet in the Anti-Corruption Bureau, Court Vijayawada. While the case was on trial, the officer retired from service on 30-04-2003 on attaining the age of superannuation.

3. In the reference 3rd read above, Sri B. Susantha Rao, formerly Divisional Accounts Officer (Works), (W)Panchayat Raj Division, Tenali was convicted and sentenced to undergo Rigorous imprisonment for a period of two years and to pay a fine of Rs.5,000/- for the offences under Section 7 & 13 (2) read with 13

(1) (d) of P.C. Act, 1988 by the Special Judge for SPE&ACB Cases, Vijayawada in C.C.No.11/1998 on 19.07.2005.

(PTO)

4. In the reference 4th read above, the pension and gratuity of Sri B. Susantha Rao, formerly Divisional Accounts Officer (Works), Executive Engineer, Panchayat Raj Division, Tenali was withheld in full permanently under Rule 9 of Andhra Pradesh Revised Pension Rules, 1980 subject to outcome of court case.

5. Aggrieved with the above orders, the individual filed Criminal Appeal No. 1200/2005 in the Hon'ble A.P. High Court, and the Hon'ble Andhra Pradesh High Court in its orders dated 13.06.2012 in the reference 5th read above, pronounced the judgment that "the conviction [given by the Anti-Corruption BureauCourt Vijayawada] of the appellant Sri B. Susantha Rao DAO (Retd) cannot be sustained and accordingly, the appellant / Accused is found not guilty and acquitted under section 235 (2) Cr.P.C".

6. In the reference 6th read above, Government permitted the Director General, Anti-Corruption Bureau, Andhra Pradesh, Hyderabad to file SLP before the Hon'ble Supreme Court of India against the above orders of Hon'ble Andhra Pradesh High Court in C.C.No.1200/2005, dt:13.06.2012. The Hon'ble Supreme Court in orders dated 07.07.2015 pronounced the judgment as follows:-

"We do not find any legal and valid grounds for interference the SLP is dismissed."

7. In the reference 7th read above, the Director of Works Accounts, Andhra Pradesh, Hyderabad while forwarding the representation of Sri B. Susantha Rao, Divisional Accounts Officer (Retd) (W) for release of Pensionary benefits requested the Government to issue instructions.

8. Government after careful examination of the matter and following in all due procedure hereby decided to cancel the orders issued in reference 4th read above and direct the Director of Works Accounts, Andhra Pradesh, Hyderabad to take necessary action for release of pension and consequential benefits to Sri B. Susantha Rao DAO (Retd) as per A.P Revised Pension Rules, 1980.

9. The Director of Works Accounts, Andhra Pradesh, Hyderabad shall take necessary action in this matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

M. RAVI CHANDRA
SECRETARY TO GOVERNMENT (R&E)

To
Sri. B. Susantha Rao, DAO, (Retd) through the DWA, A.P., Hyderabad.
The Director of Works Accounts, A.P. Hyderabad.
The Accountant General (A&E) A.P. Hyderabad.
The Executive Engineer, P.R. Division, Tenali, Guntur.

The Director General, Anti-Corruption Bureau, A.P. Hyderabad.
SF/SCs

//FORWARDED :: BY ORDER//

SECTION OFFICER